

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAYMOND DE BOTTON,

Plaintiff,

v.

QUALITY LOAN SERVICES
CORPORATION OF WASHINGTON, *et*
al.,

Defendants.

CASE NO. 2:23-cv-00223-RSL

ORDER DISMISSING REMAINING
CLAIM AGAINST QUALITY LOAN
SERVICES, MCCARTHY &
HOLTHUS, AND WARREN LANCE

This matter comes before the Court on “Defendants’ 2ND Motion for Summary Judgment.” Dkt. # 50. The moving defendants seek summary judgment and dismissal of plaintiff’s claims under the takings clauses of the United States and Washington Constitutions.¹ The motion was noted for consideration on Friday, September 22, 2023, with plaintiff’s opposition, if any, due the previous Monday. No opposition has been filed.

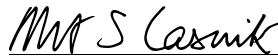
Having reviewed the motion and the remainder of the record, the Court finds as follows:

¹ All other claims asserted against the moving defendants were dismissed on August 28, 2023. Dkt. # 49.

1 Plaintiff alleges and evidence in the records shows that plaintiff defaulted on his
2 mortgage and his home was sold at a non-judicial foreclosure sale on January 31, 2020.²
3 The circumstances presented here cannot support a takings claim under either the federal
4 or state constitution because there was no governmental action and the property was not
5 sold for a public use or to achieve a public benefit. The moving defendants are therefore
6 entitled to judgment on plaintiff's takings claims.
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10 For all of the foregoing reasons, the motion for summary judgment (Dkt. # 50) is
11 GRANTED.
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14 Dated this 28th day of September, 2023.

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16 Robert S. Lasnik
17 United States District Judge
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26 ² Plaintiff alleges that the sale occurred on January 31, 2021, but the evidence in the record shows that it actually took place the previous year.